

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHARLES T. MCNAIR, et al.,

Plaintiffs,

V.

SYNAPSE GROUP, INC.,

Defendant.

Civil Action No.: 06-5072 (JLL)

ORDER

Currently before the Court is Plaintiffs' letter request to file a renewed motion for class certification. Defendant opposes the request, arguing that the Court should construe the request as a motion for reconsideration the standard for which Plaintiffs have failed to meet. The Court has considered the parties' letter submissions and finds that

1. Plaintiffs' letter does not challenge any part of this Court's denial of class certification. Therefore, this Court finds that it is not appropriate to construe the request as one for reconsideration.
2. Plaintiffs label their request as one to file a renewed motion for class certification. However, the letter in essence seeks an opportunity to change the grounds and relief sought in the case and to file a new motion for class certification based on the amended grounds. Therefore, this Court finds that the letter is best construed as a request for leave to file an amended complaint. This request is granted.
3. The Court finds that a request to file a new motion for certification is premature. Such request should be made based on the amended complaint.

It is on this 27th day of July, 2009,

ORDERED that Plaintiffs' request to file a renewed motion for class certification is

hereby denied as premature; and it is further

ORDERED that Plaintiffs may move before this Court to file an amended complaint by filing an appropriate motion no later than August 10, 2009.

A handwritten signature in black ink, appearing to read 'J. Linares', written over a horizontal line.

Jose L. Linares,
United States District Judge